

Application No.: 10/038,545Docket No.: H1139.0107

REMARKS

Claims 1 to 12 are pending and stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,563,613 to Tochio in view of U.S. Patent 5,930,018 to Effenberger. By this Submission, applicant respectfully requests reconsideration of the subject application in view of the following remarks.

Independent claims 1 and 5 each require judging whether the transmission line distance between the station equipment and each subscriber unit is larger or smaller than a predetermined reference value.

The Office Action acknowledged that *"Tochio does not specifically disclose that the transmission distances are compared to a predetermined reference value in order to determine whether it is smaller or larger."* The Office Action then cited Effenberger for its teaching of "order[ing] the subscriber units in ascending order" and asserted that "the reference value [in Effenberger] would be the previously measured value that is used in comparison to sort the units." Applicant respectfully disagrees that the previously measured values in Effenberger read on the claimed "predetermined reference value."

Effenberger does not teach to use a predetermined reference value as required in independent claims 1 and 5, when listing the ONUs in ascending order. Effenberger discloses to measure the time necessary to transmit information to each ONU. The ONUs are then sorted in ascending order from nearest to farthest. As Effenberger is completely silent with respect to the use of a predetermined reference value, it can only be presumed, as was done in the Office Action, that in order to sort the measured distances, Effenberger compares the measured distances to each other.

The Office Action states that "the reference value [in Effenberger] would be the value that is used in comparison to the measured value when sorting the units" (page 5 of Office Action). The Office Action assumes that "[w]hen sorting the units ONU₁ to ONU₄ (step 304 of fig. 2 [sic]), the controller takes the distance of a previously

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measured ONU (for example, ONU₁) and compares it to the unit in question (for example, ONU₂)."

Independent claims 1 and 5 each explicitly require that the measured values are compared to a predetermined reference value. In contrast, all the distances of ONU₁ to ONU₄ in Effenberger are measured, and none of them are determined beforehand (*i.e.*, predetermined). In fact, the Office Action acknowledges that the distance of ONU₁ is measured.

Moreover, when Effenberger sorts the ONU's, the values being compared are equally "measured values." Effenberger does not teach that one of such "measured values" is or can be used as a "predetermined reference value." It therefore can be only hindsight to designate one of such "measured values" as a "predetermined reference value."

Furthermore, even if Effenberger can be interpreted to use the measured distance of ONU₁ as a reference value, which is strenuously contested, Effenberger still does not read on the requirements of independent claims 1 and 5. If the measured distance value of ONU₁ is selected as being the claimed predetermined reference value for comparing with the other measured distances of units ONU₂ to ONU₄ as suggested in the Office Action, the measured distance of ONU₁ is never compared with a predetermined reference value as claimed. Therefore, even if Effenberger is interpreted as stated in the Office Action, Effenberger does not disclose comparing each transmission line distance with a predetermined reference value, as required in independent claims 1 and 5.

In view of the above, applicant respectfully submits that Effenberger does not teach to compare a measured value with "a predetermined reference value" as required in independent claims 1 and 5. Therefore, the claimed invention is not obvious over Tochio and Effenberger. Accordingly, the subject rejection has been


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overcome, withdrawal of which is respectfully requested. All pending claims in the subject application are believed to be in condition for allowance.

Finally, applicant wants to clarify for the record that the claimed invention does not require "each of the subscriber units measures ... and judges whether the transmission line distance is larger or smaller than a predetermined reference value," as is quoted on page 4 of Office Action. Independent claim 1 requires "a transmission line distance monitor/processor unit which ... measures ... the transmission line distance between the station equipment and each of the subscriber units, and judges whether the transmission line distance is larger or smaller than a predetermined reference value."

Respectfully submitted,

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